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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below:

Dated: May 14, 2007

Signature: 

(Mary Jane DiPalma)

Docket No.: CDSI-P01-041  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ashton et. al

Confirmation No. 5180

Application No.: 10/762,439

Art Unit: 1609

Filed: January 22, 2004

Examiner: Aradhana Sasan

For: SUSTAINED RELEASE DEVICE AND  
METHOD FOR OCULAR DELIVERY OF  
ANDRENERGIC AGENTS

### RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the outstanding Restriction Requirement, dated March 7, 2007, in connection with the above application, Applicants hereby elect Group I, claims 1-3, 10, and 14-21, drawn to a sustained release drug delivery device. Applicants elect this group with traverse because Applicants submit that the simultaneous examination of Group II, drawn to a method that utilizes the device of claim 1 would present no significant additional burden for the Examiner, since the result of a full search of the subject matter of Group I would include a search of the methods as well. In addition, claims properly dependent on elected claims that are later allowed will need to be rejoined despite restriction at this stage, pursuant to MPEP 809 et seq.

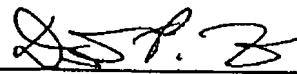
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CONCLUSION

Also enclosed is a two-month petition for extension of time and authorization for the appropriate fee. Applicant believes no further fees are due with this response. However, if any further fees are due, please charge our Deposit Account No. 18-1945, under Order No. CDSI-P01-041 from which the undersigned is authorized to draw.

Respectfully Submitted,

By: 

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Dated May 14, 2007